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Worldwide Report

LAW OF THE SEA

No. 167



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CONTENTS

WORLDWIDE AFFAIRS

UN Law of Sea Conference (Yang Xiuju; RENMIN RIBAO, 31 Jul 81)	1
---	---

ASIA

INDIA

Vice Admiral's Stand on Maritime Policy Supported (S. Sahay; THE STATESMAN, 9 Jul 81)	4
--	---

PHILIPPINES

Spread of Pollutants Feared in Lingayen Gulf (BULLETIN TODAY, 18 Jun 81)	6
---	---

LATIN AMERICA

INTER-AMERICAN AFFAIRS

Renewable Fishing Contract Signed Between Colombia, Jamaica (THE DAILY GLEANER, 1 Aug 81)	7
--	---

Briefs Jamaican-Colombian Fishing Agreement	9
--	---

DOMINICA

New Territorial Limit Affects France, Venezuela (CAHA, 10 Aug 81)	10
--	----

TRINIDAD AND TOBAGO

Briefs

Venezuela Fishing Ties

12

WEST EUROPE

GREECE

EEC Recognizes Continental Shelf for Islands

(Titos Athanasiadis; I VRADYNI, 18 Jun 81)

13

UN LAW OF SEA CONFERENCE

HK150100 Beijing RENMIN RIBAO in Chinese 31 Jul 81 p 7

[Article by Yang Xiujun [2799 4423 5468]: "Why Has the Law of the Sea Conference Run Into Snags?"]

[Text] When the 10th phase of the law of the sea conference was convened in New York in March this year, delegates to the conference had optimistically predicted: This would be the last consultation on substantive issues of the law of the sea conference and the new law of the sea convention would possibly be signed in Caracas in the second half of this year. But contrary to people's expectations, the U.S. delegation announced at the start of the conference that the Reagan administration had decided to reexamine the draft law of the sea convention basically reached last year and demanded that the law of the sea conference take no decisive action before the United States finished its examination. This decision of the United States could not but put off the 8-year-long law of the sea conference.

The aim of the third UN law of the sea conference was to draw up a new comprehensive convention embracing all issues of the law of the sea. Those attending the conference included the delegates of nearly all countries of the world and the various international political, legal and economic organizations and the special institutions concerned. As there were a lot of issues to be discussed, involving the sovereignty and immediate interest of all countries, the conference lasted a very long time. From the opening ceremony held in New York at the end of 1973 up to the present, there have been 13 conferences of the 10 phases with an accumulative total of 79 working weeks, which can be regarded as the longest global conference in UN history. It was not until the ninth conference held in August 1980, after long and repeated consultations and negotiations, that an initial draft on the future law of the sea convention was drawn up. This draft convention was all-embracing and made detailed and concrete stipulations on such issues as the 12-mile breadth of the territorial waters, 200-mile exclusive economic zone, right of way through straits, boundaries of continental shelves, system for prospecting and exploration of the international seabed, right of landlocked countries to enter seas and oceans, archipelago countries as well as fisheries management, environmental protection of seas and oceans, oceanological research and procedures for settling disputes, among which the issue regarding prospecting and exploration of the seabed is a new one in the law of the sea. As it involves a series of complicated legal, economic and political issues, there are major differences of stands and interest between the industrially developed countries and the numerous developing countries. This was one of the important reasons why the law of the sea conference has been long drawn out. Obviously, the Reagan administration's decision to reexamine the new draft law of the sea convention was mainly due to its dissatisfaction over this section on the international seabed in the draft convention.

The so-called "international seabed" refers to the seabed of the high seas outside the exclusive economic zones and the continental shelves, which is generally 3,000-5,000 meters in depth. It is very rich in manganese nodule resources, from which manganese, copper,

cobalt, nickel and many other metals can be refined, and the total deposits are much more than the total deposits of this kind of metal in the land and are sufficient to last as many as 100 years for world consumption.

These few metals are indispensable materials for modern industry such as steel making, space navigation, aircraft engines and oil drilling and are listed as important strategic materials. The United States and other Western industrialized countries are major consumers of these metals and have to import large quantities from abroad every year. These metals mainly lie hidden in the Third World, especially in Africa. About 80 percent of the cobalt needed by the United States is imported from Zaire and about 70 percent of its manganese is imported from Gabon and other countries. With the scramble for strategic materials becoming more acute in recent years, the Soviet Union, which has been an exporting country of metal material all along, is also actively purchasing and importing certain metals in large quantities.

This has exerted pressure on the United States and other Western countries so that they are trying by every possible means to find a way out and open up new mineral sources. The oceans called the "sixth continent of the earth" are thus increasingly becoming the object of scientific inspection and industrial prospecting.

In recent years, the industrially developed countries such as the United States have been stepping up a series of research and experimental activities on the prospecting, trial exploration and processing and refinery techniques of manganese nodules on the international seabed. The U.S. Government has spent more than \$200 million in this field. In the past few years, a few deep-sea mining companies have successfully collected nodules from the seabed in the deep sea and set up medium and small processing factories to refine metals such as manganese, copper, cobalt and nickel. It is generally estimated that, so long as sufficient investment and legal protection continue to be provided, large-scale commercial production can be carried out by 1988. Without doubt, this has a strong appeal and is of important strategic significance to the Western world.

In the section on prospecting and exploration of the international seabed in the present draft convention law of the sea, it has mainly been stipulated as follows: exploration of international seabed resources will be conducted under the unified management of the international seabed management bureau formed by all signatories to the convention. At the same time, signatories to the convention or any qualified public or private enterprises are also permitted to join in the exploration. This is what is called the "system of parallel exploration." But any country or enterprise that intends to join in the exploration should, first of all, send in an application to the international management bureau and obtain a contract of exploration. At the time of application, it is necessary to put forth two seabed mining sites which have been prospected and have equal value for exploration. At the approval of the management bureau, one site is to be explored by the applicant under contract and another is reserved for exploration by the department of enterprises under the international management bureau. Moreover, the contractor should make over to the department of enterprises the related technology at a fair and reasonable market price and pay to the management bureau a certain proportion of its profit derived from the exploration of seabed minerals. With the exception of fixed expenses, the entire income of the management bureau is to be shared by all countries, especially the developing countries. This "system of parallel exploration" is tentatively fixed for 15 years. In addition to this, in order to protect the interests of the present producing countries of related metals such as manganese, copper, cobalt and nickel from land mineral deposits, certain restrictions are to be imposed on the production quantity from exploration of manganese nodules. That is to say, taking nickel as a standard, 60 percent of the increased portion from the estimated required quantity is to be produced from the seabed and 40 percent is to be produced on land. The draft convention also includes an "antimonopoly" clause, stipulating that the mineral site contracted by a certain country should not exceed 2 percent of the seabed area permitted for exploration by signatories of the convention or their enterprises.

Obviously, the above-mentioned stipulations in the draft convention are intended to protect the minimum interest of the developing countries and serve as a restraint on the industrially developed countries which demand unlimited freedom to enter the seabed for exploration. This is exactly what the United States and some other industrially developed countries are unwilling to accept. They are opposed to the principle that "the international seabed and its resources are the inherited common property of all mankind" which was approved by the UN General Assembly in 1970 and which has been publicly acknowledged as the basis for the new law of the sea convention. They are opposed to the "compulsory" transfer of technology and the "excessive" amount of tax to be paid to the management bureau. They also demand a bigger and more decisive representation in the council, a principle executive organ of the international management bureau, to ensure that their nations obtain the exploration contracts and right of policy decision on other issues of major interest. These are the principal reasons why the U.S. Government and business circles consider the draft convention not in keeping with their best interests and therefore demand a reexamination.

The U.S. attitude naturally met with opposition from the developing countries. A few medium and small countries in the West also showed their dissatisfaction over the U.S. attitude. When talking of the U.S. performance, the UN Secretary General Kurt Waldheim said that he felt "anxious and was worried" about this.

It should be pointed out here that, in order to encourage investment on deep-sea exploration and provide legal protection, the United States has deliberated on the started legislation in the country since 1971. In June 1978, the U.S. House of Representatives approved the "decrees on deep-sea minerals" which was delivered to President Carter for his signature after Senate approval in June 1980. It is stipulated in the decree that as from 1 July 1981, U.S. nationals can receive a permit for deep-sea exploration and are allowed to engage in commercial exploration as from January 1988.

The U.S. unilateral legislative action has from the start met with strong opposition from the numerous developing countries. They pointed out that this was in direct violation of the spirit of the "declaration of principles" approved by the United Nations and also a pressure exerted on the law of the sea conference. Some public figures in the United States are also of the opinion that, under the present international situation, forced and single-handed exploration of the international seabed without paying attention to the strong opposition of the numerous developing countries will not only intensify the acute antagonism with the Third World countries but the investment itself will fail to get international, and therefore completely reliable, protection. Therefore, they advocated that it was still necessary to work for the formulation of the law of the sea convention and obtain a lawful right to international seabed exploration in accordance with the stipulations of the convention. This phase of the law of the sea conference will be held in Geneva from 3 August for 4-5 weeks. It seems the U.S. Government is confronted with a problem of what is a sensible choice.

CSO: 5200/2107

VICE ADMIRAL'S STAND ON MARITIME POLICY SUPPORTED

Calcutta THE STATESMAN in English 9 Jul 81 p 6

[Article by S. Sahay: "Our Oceanic Responsibilities"]

[Text] **D**UST-Laden Delhi hardly provides the setting for a proper appreciation of our growing oceanic responsibilities. This perhaps explains why the Indian Navy decided to transport some ordinarily desk-glued journalists to the Bay of Bengal so that they may have a better appreciation of the problems confronting it and the country. Seeing is believing. This writer watched with fascination the firing of missiles on surface, with an island as target, and under water, watched manoeuvres by our warships, eight of them together perhaps for the first time in recent years, while executing their assigned tasks of attack or defence.

An analysis of the defence capability of our Navy is best left to experts. A lay man can only dwell on the dimensions of the problem. There is growing super Power rivalry in the Indian Ocean. Right now as many as 120 foreign warships are stationed in the area and the chances are that their numbers may increase. It needs to be noted that the USA has managed to sabotage the proposed Colombo conference on the Indian Ocean as a zone of peace. It also seems hell-bent on either sabotaging the Law of the Sea Convention or so modifying it as to make the sea an invidious heritage for the majority of mankind.

The latest figures of super Power deployment in the Indian Ocean area are not known but figures available in March (mentioned in this column that month) indicated that the USA had 37 ships of major battle category afloat in the area. It had a major base with the facilities available for the despatch

of the Rapid Deployment Force (RDF) in Diego Garcia. It had full-fledged deployment facilities in Egypt. It had expanded its air base in Turkey. It had facilities in Sudan and North Yemen and had been expanding its seven air bases in North-West Australia to take in strategic bombers armed with nuclear tactical weapons. It had naval facilities in Simonstown (South Africa), backed up by South African armoured and airborne divisions.

SOVIET PRESENCE

In the same month, the Soviet Union had 30 battleships and missile-carrying submarines in the Indian Ocean. It had a regular base for air and personnel movement in Ethiopia and a full-fledged naval base in South Yemen. It had been building military facilities on the Dahlak Islands with the help of Ethiopia and South Yemen. That was intended to give the Soviet Union control of the Red Sea and the Gulf of Hormuz and, in times of crisis to enable it to control trade routes such as Suez. It had solid linkage with Syria, apart from its massive presence in Afghanistan. It had intensive access to Vietnam and was in a position to control the Straits of Malacca.

Also in March, France had a mobile presence (10 ships) and Britain, France and West Germany had been selling highly sophisticated weapons to Israel, Kuwait, Saudi Arabia and South Africa. Nearly \$10 billion worth of arms have been pumped into the region.

It is for our experts to tell us whether our Navy is equipped to deal with a major confrontation in the area, considering the

vast coastlines jutting into the Indian Ocean as well as into the Arabian Sea, or to meet simultaneous attacks on both coasts. But it does not need an expert to suggest that the growing power rivalry in the Indian Ocean area as also the evolving political, military and economic interests in the sea would indicate the need for strengthening and better equipping the Indian Navy.

The challenges of the eighties are quite different from those of the past. In a paper entitled "Management of the Oceans in the Eighties", Vice-Admiral M. K. Roy, Flag Officer Commanding-in-Chief of the Eastern Naval Command, has underlined several interesting facts. The Indian Ocean, on which three continents abut, has an area of 28 million square miles. One quarter of the earth's population lives in this region. India has 6,000 sq km of coastline.

NATURE'S GIFT

The ~~new islands~~ which fall in the Andaman and Nicobar group are spread over a length of 700 km, the farthest, the Pygmalion Point, hardly 90 km from Sumatra. These islands are described by naval experts as Nature's gift to India and are considered strategically superior to Diego Garcia. The strategic value of the Andaman and Nicobar Islands in controlling the sea cannot be overemphasized, although this country's capability or desirability of getting involved in super Power conflicts is an open question, a political question, as men in the Defence Services would describe it. However, considering the fact that this country has increasing economic and defence stakes in the

Indian Ocean it is important that not only our Navy should exist but also make its presence felt. That seems to have been the purpose of holding the exercise. A good decision too. Size and geography assign a specific role to India. It must play that role.

However, whatever the country's defence outlook, the fact remains that India cannot lag behind in the exploitation of the sea resources, living and non-living. Since at present we lack the resources and the technical know-how to scoop up minerals from the sea, at least a consistent effort must be made to exploit marine resources and oil and gas. Some promising exploratory work has already been done in the discovery of oil and gas. It must be followed up.

It appears that, what with population increase and other problems, we shall have increasingly to turn to the sea for food, for minerals, for power. Vice-Admiral Roy's vision of the metamorphosis of the continental homo sapiens presently ensconced in the Indo-Gangetic Plains of North India into a sea mammal whose habitat will be more and more the warm rich salt waters of Southern India, is by no means an empty one. Science and technology as well as compulsions of growing population, will lead to that.

Already, convention or not, the Law of the Sea has changed a lot. As Vice-Admiral Roy has pointed out, until 1960, the laws of the sea were founded on two assumptions: that the resources of the sea are inexhaustible and that they belong to all. However, the progress in science and technology and the attempts by the advanced nations to exploit the seas led to a protest by

developing nations. The Law of the Sea Convention seemed the way out until the USA had reservations about it. At any rate, most nations, including India, have unilaterally extended their sea boundary to 12 miles, their contiguous zones to 24 miles and their economic zones to 200 miles. The proposed Law of the Sea Convention does no more than recognize this actuality. As at present understood, a country has complete sovereignty over its territorial sea, including air space. The contiguous zone extends up to 24 miles and a State has the right to prevent infringement of its customs, fiscal, immigration or sanitary regulations prevalent within its territory or territorial sea and also to punish infringement of its regulations.

In the exclusive economic zone a State has the right to exploit, conserve and manage the natural resources living or non-living, and to produce energy from water currents and winds. It can establish artificial islands, start marine scientific research and protect and reserve the marine environment. However, it must protect the rights of landlocked States.

India has the 12th largest exclusive economic zone in the world. The Andaman and Nicobar and Lakshadweep islands have brought an area of 2.2 million square miles under New Delhi's regulatory jurisdiction and control. This is so because the economic zone has to be measured from the baselines from which the breadth of the territorial sea is measured. Measure 700 miles from the mouth of Ganga and also 200 miles around the sprawling islands and you have virtually the whole of Bay of Bengal

under India's control. Measurement of the Continental Shelf for which the Law of the Sea conference has not yet found a satisfactory solution, would give India control over even greater territory.

SPECIFIC FORMULA

There is little to show that New Delhi has full awareness of the dimensions of the problem. A few coastguard boats are not going to prevent poaching in the Indian economic zone. It already means a loss of Rs 500 crores a year. Detection and punishment of poachers is not commensurate with action needed.

What is needed is an integrated approach to the problem. And it is heartening to note that this is what Vice-Admiral Roy has suggested, although like a good officer, he is disinclined to suggest any specific formula, which he rightly considers the province of the Executive. What he has in mind is the integration of all the complex ocean issues which are now being controlled by the Ministries such as Transport, Agriculture, Finance, Science and Technology, Oil and Natural Gases and Revenue. "Whether we have an inter-ministerial committee or Central Coordinating department or a full-fledged ministry for ocean management and maritime policy is a matter for Government to decide". Vice-Admiral Roy is content to point out that the Soviet Union has a coordinated mechanism for all maritime activities. The USA has a single agency to tackle the problem. Japan and other countries have substantial working relationship between industry and Government in planning maritime interests. Even Sri Lanka is creating a separate department for maritime affairs. Can India afford to lag behind?

SPREAD OF POLLUTANTS FEARED IN LINGAYEN GULF

Manila BULLETIN TODAY in English 18 Jun 81 p 18

[Text]

Director Ramon P. duas of mine tailings Binamira of Project from the Upper Agno Compassion told Pangasinan Gov. Aguedo F. He recommended the

Agbayani recently that immediate marshalling of local and national resources to prevent the further spread of these pollutants in the gul- area which is one of the richest fishing grounds in the country.

Binamira said that some of the 200 rarest species of corals in the Philippines used to abound in the Lingayen Gulf area especially within the Hundred Is- lands and Anda.

The Project Compassion and a team of marine biologists from UP's Environmental Center in coordination with the provincial and municipal governments concerned conducted an environmental study of the gulf areas of Alaminos, Sual, Anda and Bolineo, all in Western Pangasinan.

Binamira pointed to Governor Agbayani the danger of using chemicals for fishing, pollution of toxic metals and siltation from the resi-

Agbayani informed Binamira that the province had become aware of the seriousness of the pollution problem when UN experts filed their report in connection with the designing of the PIAD plan.

Agbayani further informed Binamira that he had himself communicated with the pollution commission to take action and in the meantime President Marcos authorized in 1979 the study of building a P6 billion multi-purpose dam in San Roque, San Manuel, to contain the mine tailings and siltation, aside from generating electricity and irrigating 52,000 to 82,000 hectares.

CSO: 5200/4919

RENEWABLE FISHING CONTRACT SIGNED BETWEEN COLOMBIA, JAMAICA

Kingston THE DAILY GLEANER in English 1 Aug 81 p 1

[Text] A two-year renewable fishing contract was signed between Jamaica and Colombia on Thursday in Bogota, ending 11 years of negotiations between the two countries.

Dr. Neville Callimore, Minister of State in the Foreign Affairs Ministry, who signed for Jamaica, told the GLEANER at the Norman Manley International Airport yesterday, that Jamaican fishermen were now allowed to catch 840 metric tons of fish annually on the Bajo Nuevo and Serranilla Cays, off the Colombian coast.

The Minister stressed that the renewing of the contract will depend largely on the behaviour of the Jamaican fishermen when they fish in Colombia's territorial waters.

One special provision of the agreement, Dr. Callimore said, was the allowance for "accidental catch". This meant that although Jamaican fishermen were not allowed to catch lobsters, if lobsters were caught "accidentally", the Jamaicans would be allowed to dispose of their catch.

The Jamaican fishermen would not be limited to any variety of catch, the Minister said. The Colombian waters are famous for the red snapper, grouper, jack, grunt, mullet, goat fish, tiger fish, parrot fish, shark, king fish, mackerel and file fish, and Jamaican fishermen would be allowed to catch all of these varieties.

In expressing his government's pleasure at the conclusion of the agreement, Colombia's Ambassador, Dr. Gilberto Sanchez, said this was the first such agreement to be signed by his government this year. This, he said, was Colombia's contribution to the government and people of Jamaica.

Jamaican fishermen will need to be licensed and registered at the Colombian Embassy in Kingston before they can fish in Colombian waters. Ambassador Sanchez said his Embassy would be assisting the fishermen with licences and registration.

Reference was made to the recent seizure by the Colombian authorities in Colombia of two Jamaican fishing boats, Gabriela and Dolphin. Dr. Sanchez said accidents of this nature which happened from time to time and which incurred fines for the offending country would be eliminated with the signing of the agreement.

Dr. Callimore said the contract could not be ended without a 12-month notice by either party. He hinted that having concluded the sea agreement, both governments would proceed to make air agreements.

The Minister said Colombia had indicated its willingness to make available to Jamaica two ultra modern boats which they had recently commissioned for use in scientific exploration.

Dr. Callimore said the Colombians were hard-bargaining people, yet reasonable. He expressed his personal delight that after 11 years, Jamaica under the new administration, could have sorted out the differences in three months.

The signing ceremony was also attended by Mr. Lloyd Barnett, head of the political division in the Ministry of Foreign Affairs. Dr. Carlos Lemos Simonds, Foreign Affairs Minister of Colombia, signed for his government.

CSO: 5200/7548

INTER-AMERICAN AFFAIRS

BRIEFS

JAMAICAN-COLOMBIAN FISHING AGREEMENT--Kingston, Jamaica, 5 Aug (CANA)--A fishing agreement signed last week between Jamaica and Colombia relates only to Jamaicans fishing in the waters around the small Colombian island of Bajo Nuevo and the Seranilla Cays, no more than 100 miles south of Kingston, a senior Jamaican fisheries official has said. The agreement allows for fishing 12 miles around Bajo Nuevo and the Seranilla Cays. It does not extend to the waters off the Colombian coast, the official who was involved in drafting the agreement said. Bajo Nuevo and the Seranilla Cays are more than 400 miles off the Colombian mainland. Under the agreement, which is for 2 years at the outset, the Jamaican fishermen will be allowed to take 840 metric tons of fish from the waters around the islands. There is no reciprocal arrangement for Colombians to fish in Jamaican waters. The pact, which was signed in Bogota last Thursday, was arrived at after 11 years of sporadic negotiations. [Excerpt] [FL051745 Bridgetown CANA in English 1630 GMT 5 Aug 81]

CSO: 5200/2109

NEW TERRITORIAL LIMIT AFFECTS FRANCE, VENEZUELA

FL102349 Bridgetown CANA in English 2159 GMT 10 Aug 81

[Text] Roseau, Dominica, 10 Aug (CANA)--Dominica said today that it hoped its adoption of the laws governing the international law of the sea would allow it to enter into treaties with countries which will be affected by the island's new 200-mile territorial limits.

Parliament today approved an act tabled by the island's prime minister, Eugenia Charles, establishing the limits of Dominica's territorial sea, the contiguous zone, and the exclusive economic and fisheries zones.

Speaking in Parliament, Miss Charles said that she expected France and Venezuela to be among countries affected by the adoption of the legislation. Dominica is sandwiched between two French islands, Guadeloupe in the north and Martinique in the south. And Venezuela has disputed the ownership of Tiny Bird Island off the Dominica coast.

During debate on the bill, opposition Senator Pershin Waldron suggested that the government on the possible joint exploration of Bird Island, to determine whether there is oil or there is no oil." [Sentence as received]

Bird Island, situated 90 miles west of Dominica, is within the country's 200-mile territorial boundary as stipulated by the international law of the sea, its ownership has often been the subject of intense debate here.

Senator Waldron said that Dominica should neither give up nor say that Bird Island was not a part of its territory, alluding to the fact that Venezuela was now laying claim to five-eighths of Guyana's territory. "That 200-mile limit, this is what needs to be explored to ascertain whether Bird Island really belongs to Venezuela or whether Bird Island really belongs to Dominica," he said.

The opposition senator contended that Bird Island was rich in oil and other natural gases, emphasizing that if it were to be explored and oil were discovered, it would have a significant impact on the development of Dominica.

Miss Charles responded that "Bird Island" had been given over to Venezuela "many years ago" under some award in which the queen of Spain officiated. She noted, however, that the law of the sea concerning uninhabited rocks stipulated that only a 3-mile limit would be conceded to Bird Island."

"I can live with that on condition that the 3-mile limit only is conceded to Bird Island, which will mean that Dominica will have the rights to the riches of the sea from its 200-mile territorial limit," the Dominica prime minister added.

She went on to state that the new legislation tabled in Parliament enabled Dominica to enter into treaties with France and Venezuela which will be affected by the [word indistinct] zone. [Words indistinct] the Dominica Government jurisdiction to be exercised within the said zones, within the provisions of the new international law of the sea.

The bill also declares the intention of the government to enter into negotiations with the relevant states on the question of the delimitation of the island's respective maritime boundaries.

CSO: 5200/2109

BRIEFS

VENEZUELA FISHING TIES--Cedros and Icacos fishermen are anxiously looking forward to the proposed meeting in Tucupita, Venezuela, between the Governments of Trinidad and Tobago and Venezuela, to discuss the problems in the fishing industry. The local fishermen are also thinking in terms of having cultural exchanges between both countries with a view to cementing better relationships. In fact, when Prime Minister George Chambers, visited Icacos last week during his tour of County St. Patrick, the Cedros Fishing Association, headed by Mr. Aaron Badai, presented him with a memorandum in which they outlined problems and at the same time called for action in their demands for improved conditions. First intimation of the possibility of having a meeting in Tucupita next month, was given during the handing out of fishing permits at Icacos by the Government of Venezuela, through the Ministry of Fisheries in Trinidad. On that occasion, more than a month ago, officials of the Trinidad Ministry and Venezuela's Embassy, spoke of the proposed meeting. They did so after Mr Badai outlined some of the problems the Trinidad fishermen were experiencing during the course of their trade while in the mainland territorial waters. Mr. Badai said that although they had permits, some of them were still being held, their boats impounded and catches taken away by that country's National Guards. He believed that with such a meeting at which fishermen from both countries will be represented, the problems could be discussed with a view to having a better understanding by both sides. [By Mickey Mahabir] [Text] [Port-of-Spain TRINIDAD GUARDIAN in English 24 Jul 81 p 6]

CSO: 5200/7548

EEC RECOGNIZES CONTINENTAL SHELF FOR ISLANDS

Athens I VRADYNI in Greek 18 Jun 81 pp 1, 12

[Article by Titos Athanasiadis]

[Text] Strasbourg--The Greek islands of the Aegean have a continental shelf, and Greece is allowed to extend its territorial waters to 12 miles (Editor's note: This has to do with the islands above all), after first taking into account certain formal conditions. Moreover, the continental shelf of the Greek islands will figure in the "customs boundaries" of Europe. This is stated in the report--of exceedingly great significance for Greece--by the European Parliament's committee on foreign economic relations. This report on the fixing of the "customs territory" of the European Community is sponsored by the French European-Community representative (Mari Mandelen Fourkat) and is signed also by the 21 members of the committee. The relevant report was passed in the committee, with 20 votes in favor, none against, and one abstention. And this result also has particular significance for Greece.

In the report, which settles problems of the sea and air zones and the continental shelf of the EEC member countries, the Greek islands are mentioned explicitly and the Greek position on the continental shelf of the Aegean islands is vindicated completely. But in addition, the recognition of the continental shelf for our islands and its characterization as a "customs boundary" of Europe constitutes a kind of protection and guarantee of the greatest significance with respect to the islands of the Aegean, given that their continental shelf is now regarded as forming a "customs territory" and a European frontier. The report will be discussed by the plenum of the European Parliament and will be put to a vote at its coming session (in July). Participating on the Greek side in the final formulation and ratification of the text was the European-Community representative from the New Democracy Party, Evstratios Papaevstratiou.

The points at which Greece is referred to by name are Paragraphs 62, 63, and 65 of the report, which are as follows:

Paragraph 62:

"In connection with Greece as a new member of the Community, the fact should not escape our attention that the Greek islands, just as the Balearic Islands, Corsica, Sardinia, and Sicily, are inseparably parts of the territory of their countries, and on the basis of the principle of sovereignty they can lay claim to territorial waters extending to 12 miles, an economic zone extending 200 miles, and a continental shelf."

Paragraph 63:

"Notwithstanding this, to the extent that the islands of the Mediterranean cannot set up claims to such areas without involving the rights of other countries, only the method of equal distance, which the same islands have elevated to the level of an objective general principle, will make possible the taking of some decision among the coastal countries."

Paragraph 65:

"What is true for the Mediterranean is also true for the Aegean Sea, where the Greek islands have a continental shelf to which the method of equal distance is applicable, even though this is disputed by Turkey."

This "(Fourkat) Report" strives to make the European Community into a unified power with regard to tariffs, and consequently tries to create uniform customs borders.

The "(Fourkat) Report" is seeking to include within the Community's "customs territory" now being fashioned the appropriate sea and air zones, the continental shelf of the member countries of the Community, as well as the continental shelf of the Mediterranean and Greek islands--an event which ensures them of the highest political and diplomatic protection.

The aim of this settlement is for the Mediterranean islands to acquire the advantages of having territorial sea waters, a continental shelf, and an economic zone. Indeed, wherever the continental shelf has not been defined as yet, the report believes that it is essential to commence negotiations among the member states, with the participation of the Community authorities, for the purpose of defining it and subsequently including it within the maritime "customs territory" of the Community.

The Air Zone

With regard to the air zone of the Community, the report considers it essential that this be defined, and the report calls for its inclusion within the Community customs area. Moreover, the committee's report also calls attention to the rapid development of operations at high altitudes aimed at exploration, defense, and possibly industrial development as well in the future.

The committee should now examine how the settlement which concerns the air zone can reconcile the problems of territorial security and defense with the customs obligations and liabilities which will emerge from the incorporation of the air zone within the area of the Community. Particularly with regard to the matter of assessing the dutiable value of cargoes on aircraft.

In its advisory report the committee stresses that "the time has come for us to finally consider the European Community as a unified entity which includes within its area not only the national soils of its member countries but also the surrounding sea and air."

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